

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**UNITED STATES OF AMERICA,**

**VS.**

**CRIMINAL ACTION NO. 4:05CR032-P-B**

**MARQUET JOHNSON,**

**DEFENDANT.**

**ORDER CONTINUING TRIAL**

This matter comes before the court upon Defendant Marquet Johnson's Motion for Continuance [12-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

The motion is well-taken and should be granted. Trial is currently set for May 2, 2005. Defense counsel avers that he and his client have been unable to properly confer for a variety of reasons and, therefore, have not been able to properly prepare for his above-scheduled trial. The Government has no objection to the trial continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from May 2, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

- (1) Defendant Marquet Johnson's Motion for Continuance [12-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, June 6, 2005, at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

- (3) The delay from May 2, 2005 to June 6, 2005 is excluded as set out above;
- (4) The deadline for filing pretrial motions is May 16, 2005; and
- (5) The deadline for submitting a plea agreement is May 23, 2005.

**SO ORDERED** this the 20<sup>th</sup> day of April, A.D., 2005.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE